From: Rob
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

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This Proposed settlement is not in the best interests of the public
nor business at large.

- - The PFJ doesn't take into account Windows-compatible competing
operating systems
Microsoft increases the Applications Barrier to Entry by using
restrictive license terms and intentional incompatibilities. Yet the
PFJ fails to prohibit this, and even contributes to this part of the
Applications Barrier to Entry.

- - The PFJ Contains Misleading and Overly Narrow Definitions and
Provisions
The PFJ supposedly makes Microsoft publish its secret APIs, but it
defines "API" so narrowly that many important APIs are not covered.
The PFJ allows users to replace Microsoft Java with a competitor's
product -- but Microsoft is replacing Java with .NET. The PFJ should
therefore allow users to replace Microsoft.NET with competing
middleware.
The PFJ requires Microsoft to release API documentation -- but
prohibits competitors from using this documentation to help make
their operating systems compatible with Windows.

- - The PFJ Fails to Prohibit Anticompetitive License Terms currently
used by Microsoft
Microsoft currently uses restrictive licensing terms to keep Open
Source apps from running on Windows.
Microsoft's enterprise license agreements (used by large companies,
state governments, and universities) charge by the number of
computers which could run a Microsoft operating system -- even for
computers running competing operating systems such as Linux! (Similar
licenses to OEMs were once banned by the 1994 consent decree.)

I also agree with the problems identified in Dan Kegel's analysis (on
the Web at http://www.kegel.com/remedy/remedy2.html).

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- -----BEGIN PGP PUBLIC KEY BLOCK-----
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<http://www.pgp.com>

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